

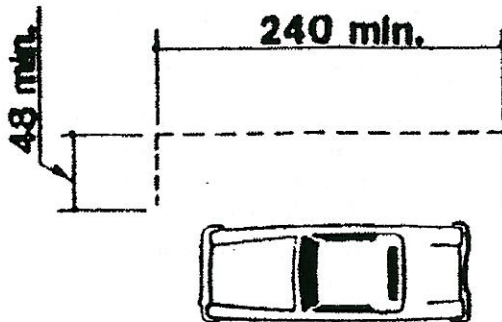
**Key West
Parking Regulations**

access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

- (7) The minimum number of such parking spaces shall comply with the following table:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

(c) *Passenger loading zones.* Passenger loading zones shall provide an access aisle at least 48 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space as shown in figure 108-650(c). If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp complying with the curb ramp section of the state board of building codes and standards, Accessibility Requirements Manual, shall be provided. A minimum vertical clearance of 108 inches shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.



(d) *Fire lanes and zones.* Fire lanes and zones shall be provided pursuant to the city fire protection code.

(Ord. No. 97-10, § 1(3-15.5(D)), 7-3-1997)

Secs. 108-651—108-675. Reserved.

DIVISION 3. PARKING AND STORAGE OF CERTAIN VEHICLES

Sec. 108-676. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means every description of watercraft, barge and air boat other than a seaplane, used or capable of being used as a means of transportation on or under the water.

Boat trailer means a trailer used for or designed for carrying boats.

Bus means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Pole trailer means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Recreational vehicle means an item of tangible personal property designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Road tractor means any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

Semitrailer means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Straight truck means any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

Tandem trailer truck means any combination of a truck tractor, semitrailer and trailer coupled together so as to operate as a complete unit.

Trailer means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(Ord. No. 97-10, § 1(3-15.7(A)), 7-3-1997)

Cross reference—Definitions generally, § 1-2.

Sec. 108-677. Parking and storage of certain vehicles.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. (Ord. No. 97-10, § 1(3-15.6), 7-3-1997)

Sec. 108-678. Scope.

The parking of commercial vehicles (i.e., any vehicle licensed by the state as a commercial vehicle, including but not limited to trucks and tractor trucks, tandem trailer trucks, straight trucks, semitrailer trucks, road tractors, pole trucks, trailers, buses) and recreational vehicles, boats, trailers, and camping vehicles in residential districts shall be regulated as provided in this division.

(Ord. No. 97-10, § 1(3-15.7(B)), 7-3-1997)

Sec. 108-679. Commercial vehicles.

No commercial vehicles and accessory equipment, including trailers and the like, shall be parked at any time in any residential district unless actually engaged in temporary work or service on the premises. No commercial vehicle of more than 8,000 pounds gross vehicle weight or

20 feet in length shall be parked in any residential district overnight. There shall be no more than one commercial vehicle of any type parked overnight at any one residence in any residential district. Advertising signs with letters more than six inches in height on commercial vehicles parked within residential districts shall not be visible to the public from the property.

(Ord. No. 97-10, § 1(3-15.7(B)(1)), 7-3-1997)

Sec. 108-680. Recreational vehicles and boats.

Recreational vehicles, boats, trailers, and the like shall be parked within an enclosed structure, within a carport behind the front setback, within the required minimum rear yard or in the minimum side yard behind the front structure line of the main dwelling. If not located within an enclosed structure, the recreational vehicle, boat, trailer or similar equipment shall be screened by a fence and/or plant vegetation of sufficient height and opaqueness so that the vehicle, boat, trailer or similar equipment cannot be seen from a location off the site. A recreational vehicle, boat and trailer, and the like must be for the resident's individual use or related to employment.

(Ord. No. 97-10, § 1(3-15.7(B)(2)), 7-3-1997)

Sec. 108-681. Camping vehicles and equipment.

(a) No vehicle or equipment primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, self-propelled motor homes, or tents shall be parked forward of the front building line.

(b) All automobile trailers occupied for living quarters in the city shall be parked in a regularly licensed trailer park or areas appropriately zoned for trailers.

(Ord. No. 97-10, § 1(3-15.7(B)(3)), 7-3-1997)

Sec. 108-682. Parking and storage of recreational vehicles, boats and camping vehicles in multifamily developments.

In addition to the general requirements in sections 108-678 through 108-681, multifamily residential developments, excluding two-family residences, shall be regulated as follows:

- (1) Recreational vehicles, boats, and camping vehicles in multifamily residential areas of 25 dwelling units or more (i.e., apartment and condominium structures) shall be parked only in areas specifically designated for such parking purposes.
- (2) Any multifamily development with 25 dwelling units or more shall provide a minimum of one space per 25 units for the purpose of parking and storing of recreational vehicles and equipment. Any fraction of 25 shall require spaces rounded up to the next whole number.
- (3) The designated area for storing recreational vehicles identified in this section shall be at a distance most remote from the dwelling units. The parking area shall be screened with plant material, decorative walls, fences, berms or any combination thereof; in an effort to diminish any visual impact the area may have on the rest of the site.
- (4) The designated area for storing recreation vehicles, boats, and equipment shall be a paved surface consistent with the rest of the parking area within the development and shall provide ample ingress and egress and space for easy maneuverability for the type of vehicles and equipment using the area.

(Ord. No. 97-10, § 1(3-15.7(C)), 7-3-1997)

Sec. 108-683. Exceptions.

Exceptions to this division shall be as follows:

- (1) *Commercial vehicles and equipment on residential property.* Commercial vehicles and equipment driven home as a job requirement by employees of the government, private utility companies, or for emergency use may be parked on residential property. Further, vehicles being used for routine deliveries or construction services may be parked on residential property while in the routine course of business.
- (2) *Commercial vehicles and equipment in nonresidential districts.* Commercial vehicles

and equipment may be parked on a lot in a district zoned other than residential so long as the vehicles are in regular use by the business located upon the premises. Further, vehicles being used for routine deliveries or construction services may be parked on nonresidential property while in the routine course of business.

- (3) *Recreational vehicles and equipment.* Recreational vehicles and equipment may be parked on a residential premises for a period not to exceed 24 hours during loading and unloading. No such vehicle or equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

(Ord. No. 97-10, § 1(3-15.7(D)), 7-3-1997)

Secs. 108-684—108-710. Reserved.

ARTICLE VIII. STORMWATER AND SURFACE WATER MANAGEMENT*

DIVISION 1. GENERALLY

Sec. 108-711. Applicability.

The surface water management regulatory sections established in this article shall apply to all development within the city.

(Ord. No. 97-10, § 1(3-12.1), 7-3-1997)

Sec. 108-712. Purpose.

The purpose of the surface water management policy is to:

- (1) Protect the health, safety, and welfare of the citizens of the city;
- (2) Implement those drainage objectives and policies found in the public facilities element of the city's comprehensive plan;
- (3) Ensure protection of land and improvements together with natural resources

*Cross reference—Water and water management, § 74-276 et seq.

ORDINANCE NO. 69-29

COMMISSION SERIES

AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, AND PROVIDING NEW PROVISIONS IN ARTICLE I IN SAID CHAPTER ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF KEY WEST, FLORIDA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OF SAID CITY IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT.

Sec. I. PREAMBLE AND PURPOSE.

WHEREAS, Milo Smith & Associates, Inc., Planning Consultant for The City of Key West, Florida, has prepared a Comprehensive Development Plan for said City which includes Land Use Plan, Thoroughfare Plan, Community Facilities Plan, Public Improvements Program, and Zoning Regulations, and

WHEREAS, the Planning and Restoration Commission and the City Commission of The City of Key West, Florida have substantially approved the zoning regulations and zoning map recommended by the said Milo Smith & Associates, Inc. and have determined that such new regulations and zoning map, as modified, are necessary to implement the desired land use arrangement suggested by said Comprehensive Plan,

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Sec. II. REPEAL OF CONFLICTING ORDINANCES.

Chapter 32, Key West City Code (Article I) of the City of Key West, as amended, is hereby abolished and repealed.

Sec. III. SHORT TITLE.

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Key West, Florida".

Sec. IV. ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP.

1. Official Zoning Map - The City is hereby divided into zones, districts, or as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part

separate accessory structures shall be erected within 10 feet of any building on the same lot nor within 10 feet of any lot line. Accessory buildings must be constructed simultaneously with, or following, the construction of the main building, and shall not be used until after the principal structure has been fully erected. Erection of tents is prohibited.

5. Air Conditioning Units in Residential Districts - In all residential districts, the exhaust or mechanical part of any air conditioning or heating unit, other than window units, shall not be placed or installed within 15 feet of any property line except if such unit faces a street or an alley and is located 15 feet from an adjoining property.
6. Visibility at Intersections in Residential Districts - On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
7. Fences, Walls and Hedges - Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front yard shall be over two and one half feet in height, except where such fence, wall, or hedge constitutes no impairment to traffic safety or visibility.
8. Exceptions to Height Regulations - The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
9. Structures to Have Access - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
10. Parking, Storage, or Use of Major Recreational Equipment - For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

11. Parking and Storage of Certain Vehicles - Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Any automotive vehicle not in running condition shall not be parked or stored on any residentially zoned property for a period exceeding 72 hours, other than in completely enclosed buildings.

Sec. ~~XXV~~.

All ordinances or parts of ordinances of said City in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Sec. XXVI.

This ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission, and publication thereof one time in a newspaper of general circulation published in The City of Key West, Florida.

Read and passed on first reading at a regular meeting held

May 7, A. D. ~~1968~~ 1969.

Read and passed on final reading at a regular meeting held

July 9, A. D. ~~1968~~ 1969.



Mayor

Attest:



Acting City Clerk.

ARTICLE I. IN GENERAL

Sec. 70-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, and including any such device having two tandem axles though equipped with two front or rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position.

Bus and *trolley* mean any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons for compensation.

Camping trailer means a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at a site or location to provide temporary living quarters for recreation, camping, travel or temporary dwelling use.

Camping vehicle means any vehicle designed for, converted for, or used for camping or for temporary dwelling or living purposes connected with travel or recreation.

Cap means any separate structure which can be attached to or detached from a pickup truck placed onto the bed of such truck for use of storing or transporting tools, equipment or similar materials, and which does not have sufficient headroom for an adult of six feet in height to stand upright.

Crosswalk means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Daytime means the period from one-half hour before sunrise to one-half hour after sunset. *Night-time* means any other hour.

Double parking, double standing and double stopping mean the parking, standing or stopping of a vehicle upon the roadway side of another vehicle, but not within an open parking space.

Driver means any person who drives or is in actual physical control of a vehicle on a street.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

House trailer means a vehicular portable structure built on a chassis, designed to be pulled by another vehicle and to be used as a dwelling for recreation, camping, travel or temporary living purposes.

Loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles loading or unloading passengers or materials.

Moped means any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

Motor-driven cycle means every motorcycle and every motor scooter with a motor which produces not to exceed five brake horsepower, including every vehicle which would meet the definition of the term "bicycle" but for being propelled by a helper motor rated in excess of 1½ brake horsepower.

Motor home means a vehicular unit which does not exceed the maximum length and width limitation of F.S. § 316.515 and which is built on a self-propelled motor vehicle chassis and which is primarily designed to provide temporary living quarters for recreation, camping, travel, or dwelling use.

Motor vehicle means any vehicle which is self-propelled.

Motorcycle means any motor vehicle with a motor rated in excess of two brake horsepower having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Owner means any person in whose name the title to a motor vehicle is registered; any person driving or controlling any recreational vehicle by right of purchase, gift, lease, or otherwise.

Park and *parking* mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Parking meter means a mechanical timing device used for the purpose of regulating parking, which is activated by the insertion of a coin and the operation of a lever or cranking device. It may also be a parking station activated by the insertion of a payment card.

Pedestrian means a person afoot.

Private road or driveway means any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Recreational vehicle means any camper, camping trailer, camping vehicle, house trailer, motor home, travel trailer, truck camper, or other trailer as defined in this section or any similar vehicle or trailer designed as temporary living quarters for recreational, camping, travel or temporary dwelling use which either has its own motive power or is mounted on or drawn by another vehicle.

Scooter means a motor vehicle that is either a motorcycle or that is a vehicle with a motor rated not in excess of two brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and whose displacement does not exceed 50 cubic centimeters. A scooter shall be regulated as a motorcycle or akin to a moped depending on its motor capability.

Sidewalk means that portion of a street between the curbline of a roadway and the adjacent property lines, intended for use by pedestrians.

Storage (or stored) means the status of an operable vehicle or vessel (including a vessel on a trailer) on a street or other public place when its owner or user does not move it from a parking location within a prescribed time, and when its owner has no intent that it become abandoned property.

Street means any street, alley, lane, drive or other roadway within the city including the entire width between the boundary lines thereof and specifically including the berm or shoulder.

Trailer means any vehicle, with or without motive power, other than a pole trailer, designed for carrying passengers or property and for being drawn by a motor vehicle.

Travel trailer, including a fifth-wheel travel trailer, means a vehicular portable unit mounted on wheels of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and which is primarily designed and constructed to provide a temporary dwelling for recreation, camping or travel purposes. Such a unit has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory equipped for the road.

Truck means any motor vehicle designated, used, or maintained primarily for the transportation of property.

Truck camper means a truck equipped with a portable unit designed to be loaded onto or affixed to the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, travel, or temporary dwelling use.

Truck tractor means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon, or by which any person or property is or may be trans-

ported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(Code 1986, § 63.07; Ord. No. 06-04, § 1, 3-7-2006)

Cross reference—Definitions generally, § 1-2.

Sec. 70-2. Reserved.

Sec. 70-3. Motorized vehicles on pedestrian bridges prohibited.

(a) It shall be unlawful for a person to drive or operate or otherwise place a motorized vehicle, including but not limited to, cars, electric cars, low-speed vehicles, scooters and mopeds, on a pedestrian bridge in the city.

(b) Penalty. A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances.

(Ord. No. 04-03, § 1, 2-3-2004)

Secs. 70-4—70-30. Reserved.

ARTICLE II. TRAFFIC CONTROL DEVICES

Sec. 70-31. City manager's authority.

(a) The city manager shall have the power to designate, lay off and indicate, by appropriate signs and markings, parking spaces and zones, no parking zones, limited parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, speed limits, truck routes, through streets, stop streets and intersections, yield right-of-way intersections, streets to be laned for traffic, play streets, bus stops, intersections at which left turns and/or right turns and U-turns shall be prohibited, and intersections at which striping shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections. The city manager may seek the advice and consent of the city commission for such decisions.

(b) The city manager shall also designate and indicate, upon the approval of the city commission, by appropriate signs and markings, metered parking spaces and zones; reserved parking zones in which vehicles shall be parked at an angle to

the curb; traffic zones other than the above; truck routes; one-way streets; taxicab stands; intersections at which traffic shall be controlled by traffic signals; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

(c) Whenever any designation is made in accordance with this section, the city manager shall erect and install such signs, markings, lines, signals and other traffic control devices as may be necessary to clearly indicate such designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from such designation. All designations made in accordance with this section shall be clearly shown and indicated on the official traffic control and regulation of parking signs, markings and other devices map on file in the office of the city manager.

(d) The city manager may seek recommendations from the community traffic safety program for all proposed designations. The city manager's advice to the city commission shall include input from the engineering, police and public works departments.

(Code 1986, § 63.02)

Sec. 70-32. Obedience to devices.

It shall be unlawful for any person to drive, operate or use a vehicle upon the city streets contrary to any signs, signals or other traffic control devices that are placed upon the streets for the purpose of directing traffic, except upon direction of a police officer and except as otherwise provided in this chapter.

(Code 1986, § 63.03)

Sec. 70-33. Necessity of signs.

No section of this chapter for which signs shall be required shall be enforced against an alleged violation if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinary observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice

- (13) Harris School, 812 Southard Street; Southard Street from Hunts Lane to William Street; Margaret Street from Southard Street to Angela Street.
(Code 1986, § 63.44)

Secs. 70-88—70-115. Reserved.

ARTICLE IV. PARKING, STOPPING AND STANDING*

DIVISION 1. GENERALLY

Sec. 70-116. Prohibited parking.

(a) No person shall park a vehicle upon any city street, alley or other public place for the purpose of:

- (1) Displaying a vehicle for sale.
- (2) Greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Selling merchandise from such vehicle, except in a duly established marketplace, or when so authorized or licensed under this Code or other city ordinances.
- (5) Storage on the public right-of-way or in a public place for more than 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right-of-way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129.
- (6) Double parking, double standing or double stopping, except to unload passengers or merchandise in designated loading areas.
- (7) Parking against traffic.

*Cross references—On- and off-site parking and vehicular, bicycle, and pedestrian circulation, § 108-244; off-street parking and loading, § 108-546 et seq.

- (8) Storing or disposing of refuse, rubbish, garbage, yard waste, or any type of waste or recyclable materials, as defined in chapter 58, within such vehicle or trailer unless the person or business involved is permitted to do so under section 58-34(a) of the City of Key West Code of Ordinances to haul such waste and unless such vehicle is being actively loaded for immediate hauling.

(b) No person shall stop, stand, or park a vehicle upon any city street or alley, except in compliance with law or the directions of a police officer or official traffic control device:

- (1) On a sidewalk.
- (2) Within an intersection.
- (3) On a crosswalk.
- (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless a different length is indicated by signs or markings.
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- (6) Upon any bridge.
- (7) On a bicycle path.
- (8) At any place where official traffic control devices prohibit parking.

(c) No person shall stand or park a vehicle upon any city street or alley, whether occupied or not, except momentarily to pick up or discharge passengers:

- (1) In front of a public or private driveway.
- (2) Within five feet of any entranceway, alleyway, public or private driveway, or designated loading area or zone.
- (3) Within 15 feet of a fire hydrant.
- (4) Within 20 feet of a crosswalk at an intersection; provided, however, that this subsection shall not apply to bike racks placed or allowed by the city within the 20-foot area.

- (5) Within 30 feet of, and upon the approach to, any flashing signal, stop sign, or traffic control signal located at the side of the roadway.
- (6) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when the property is so posted.
- (7) On an exclusive bicycle lane.
- (8) At any place where official traffic control devices prohibit standing or adjacent to any curbing painted yellow or red.
- (9) In any parking space designated for disabled or handicapped use only, without an approved handicap permit.

(d) No commercially registered vehicle carrying or designed to carry passengers shall stop in any street, lane, or alley or loading zone when picking up or discharging passengers, unless duly licensed as a vehicle for hire pursuant to chapter 78 by the city, operating as a city franchisee pursuant to ordinance, or authorized by the city port and transit authority.

(Code 1986, § 63.08; Ord. No. 06-04, § 2, 3-7-2006;

~~U/A, Ord. No. 10-13, § 1, 6-1-2010)~~

State law reference—Similar provisions, F.S. §§ 316.194—316.1965.

Sec. 70-117. Authority of police to move vehicles parked in violation.

Whenever any police officer finds a vehicle standing upon a street or alley in violation of any of the sections of this Code or other applicable traffic laws or ordinances, such officer is authorized to move or cause to be moved such vehicle or to require the driver or person in charge of the vehicle to move the vehicle to a lawful parking position.

(Code 1986, § 63.09)

State law reference—Similar provisions, F.S. § 316.194(3)(a).

Sec. 70-118. Special parking areas.

(a) The city manager is authorized to determine and designate special parking areas for the physically handicapped, tour buses, trolleys, taxi-

cabs and other motor vehicles requiring special areas. The special area shall be identified by the appropriate street parking sign and may include special enforcement limitations regarding size, weight, or time duration.

(b) No person shall park any vehicle in any such special parking area unless the vehicle or driver meets the requirements of such street parking sign.

(c) The city manager is authorized to determine and designate restricted parking spaces where no person may park a vehicle for longer than 12 hours in any 24-hour period without vacating the space for a minimum of six hours prior to reparking in that space.

(Code 1986, § 63.10)

Sec. 70-119. Parking in undesignated area.

It shall be unlawful for any bicycle, tractor-trailer, trailer or other type of motor vehicle to be standing or parked, whether occupied or not, in any area of a public street within the city that is not designated to accommodate parking. Angle parking in any parking area not specifically marked for angle parking shall constitute a violation of this section.

(Code 1986, § 63.11)

Sec. 70-120. Loading zones.

(a) The city manager is authorized to designate loading zones on public streets within the city. The loading zones shall be classified and restricted as follows:

- (1) Commercial loading zones: restricted zone (15-minute parking) from 6:00 a.m. to 6:00 p.m. Monday through Saturday.
- (2) Taxicab loading zone: 24 hours daily.
- (3) Tour bus, trolley and tour train: Restricted zone from 8:00 a.m. to 5:00 p.m. daily.
- (4) Hospitals and clinics: 24 hours daily.
- (5) Motels, hotels, guesthouses, theaters and restaurants: restricted to 30-minute parking.

(b) All loading zones shall be clearly identified by an appropriate official sign erected facing the direction of oncoming traffic, and the curb shall be painted with the authorized yellow paint. The painted curb designates the boundaries of the loading zone.

(c) All loading areas designated by the appropriate sign and curb marking shall not be considered a loading zone if the establishment for which the loading zone has been designated is closed and will not be open for a period in excess of 24 hours or during legal holidays.
(Code 1986, § 63.12)

Sec. 70-121. Penalty for violation.

(a) Any person cited for violation of the parking, stopping and standing regulations set forth in this chapter who submits payment within ten days of the issuance of the citation shall be fined as follows:

- (1) For violation of section 70-116, but not subsection 70-116(c)(3), 70-116(a)(3) or 70-116(a)(8) and sections 70-119, 70-156 and 70-159, \$20.00.
- (2) For violation of section 70-118, other than unauthorized parking in handicapped parking spaces punishable as provided in section 70-122, and division 5 of this article, \$30.00.
- (3) For violation of section 70-158, 70-116(a)(3) or 70-116(a)(8), \$100.00.
- (4) For violation of section 70-116(c)(3) and division 2 of article IX of this chapter, \$50.00.

(b) The penalty for violation and failure to pay the penalty as provided in subsections (a)(1), (2), (3), and (4) of this section within ten days shall be a referral to the Code Compliance Special Magistrate for a hearing and possible additional penalties in accordance with F.S. ch. 162.

(c) The city commission may impose a surcharge on the fines set forth in this section in order to fund the school crossing guard program, in accordance with section 70-127.
(Code 1986, § 63.17; Ord. No. 03-01, § 1, 1-7-2003; Ord. No. 10-13, § 2, 6-1-2010)

Sec. 70-122. Violation of handicapped parking spaces.

The penalty for violation of F.S. § 316.1955 or 316-1956 shall be a fine of \$250.00. A surcharge may be added in accordance with section 70-127. All fines collected pursuant to this section shall be deposited in a special account to be known as the handicapped parking fine account to be used in the following manner:

- (1) One-third shall be used to defray expenses for the administration of this section.
- (2) Two-thirds shall be used to provide funds to improve accessibility and equal opportunity to qualified physically disabled persons in the county or city and to provide funds to conduct public awareness programs in the county or city concerning persons who have disabilities.

(Code 1986, § 63.19; Ord. No. 03-01, § 2, 1-7-2003)
State law reference—Authority for this section, F.S. § 316.008(4).

Sec. 70-123. Failure to appear and pay fine within prescribed time.

(a) If the person accused of a violation as enumerated in section 70-121(a) does not appear to answer a citation affixed to his motor vehicle within a period of ten days, the chief of police shall send the owner of the motor vehicle to which the citation was affixed a letter informing him of the violation, requesting payment and warning him that if such request is not complied with within a period of 20 days after the date of such notice, a warrant of arrest may be issued. If any person fails to comply with the notice of violation attached to such motor vehicle and fails to make payment within the time prescribed in the letter to the owner, the chief of police is empowered to secure and have served a warrant for his arrest.

(b) When a person cited for violation of the parking, stopping, and standing regulations cited in subsection (a) of this section fails to submit payment within ten days of the issuance of a citation, a first reminder notice shall be mailed to the person, and an administrative fee of \$5.00, in addition to the penalties set forth in this section, shall be assessed. When such payment is not

submitted within 20 days from the mailing of the first reminder notice, a second reminder notice shall be mailed to the person cited, and an additional administrative fee of \$5.00, in addition to all other penalties and fees, shall be assessed. (Code 1986, § 63.18)

Sec. 70-124. Procedure for forwarding information to state.

Pursuant to F.S. § 316.1967, the city traffic violations bureau shall supply the state department of highway safety and motor vehicles with a magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations. (Code 1986, § 63.181)

Sec. 70-125. Procedure for immobilization of vehicles.

(a) In addition to the enforcement mechanism provided for in section 70-124, where a person has the number of outstanding parking violations specified in F.S. § 316.1967, the city manager shall issue directions to all law enforcement officers and parking enforcement specialists directing immobilization of any motor vehicle registered to the person cited for parking violations. The directions shall specify the registration or tag number of the vehicle, the make or trade name of the vehicle, and, if known, the serial number of the vehicle.

(b) Any law enforcement officer or parking enforcement specialist who comes into contact with an unoccupied motor vehicle parked on any street or highway, as such terms are defined in F.S. § 316.003(27) and (53), for which vehicle he reasonably believes there to be an outstanding immobilization order, may immobilize the vehicle in a manner prescribed in subsection (c) of this section.

(c) Immobilization of vehicles pursuant to subsection (b) of this section shall be accomplished by means of a Denver boot or other nondestructive device which prevents the vehicle from moving under its own power. The police officer or parking enforcement specialist who causes the motor ve-

hicle to be immobilized shall attach a notice to the motor vehicle advising the owner of the information necessary to enable the owner to have the immobilization device removed or to request a hearing. The notice shall be signed by the police officer or parking enforcement specialist and indicate his badge number. For a period of 48 hours from the immobilization, the owner of the vehicle shall not be liable for failure to comply with section 70-119.

(d) A prompt and adequate postimmobilization hearing will be provided upon request to the owner of an immobilized motor vehicle by the city manager enabling the owner to contest the immobilization. In the course of this hearing, the burden will be on the city to prove the parking violations and the legality of the immobilization.

(e) A motor vehicle which has been immobilized shall be released by the police department within 24 hours of the owner's compliance with the terms of the immobilization order and presentation of proof of such compliance to the agency which immobilized the vehicle.

(f) If a vehicle is immobilized pursuant to this section and if within 24 hours thereafter the owner neither pays the appropriate fine nor requests a hearing and pays a deposit sufficient to cover such fine plus administrative charges, the vehicle may be removed from its location and impounded by the police department. (Code 1986, § 63.182)

Sec. 70-126. Owner presumed to be violator.

In the prosecution or enforcement of any ordinance or section of this Code governing the stopping, standing, parking or operation of a vehicle, proof that the particular vehicle described was parked or operated in violation of any such ordinance or regulation, together with proof that the person named was at the time of such parking or operation the registered owner of such vehicle, shall constitute a rebuttable presumption that the registered owner of such vehicle was the person who stopped, parked, or operated such vehicle at the point where and for the time during which such violation occurred. (Code 1986, § 63.183)

State law reference—Liability for payment of parking ticket violations and other parking violations, F.S. § 316.1967.

Sec. 70-127. Surcharge; school crossing guard program.

In order to fund the school crossing guard program in Key West, the city may impose a surcharge on parking fines. The city commission shall establish by resolution the violations subject to surcharge and the amount of the surcharge. All surcharge funds shall be placed in a school crossing guard trust fund.

(Ord. No. 03-01, § 3, 1-7-2003)

Sec. 70-128. Abandoned vehicles and vessels.

(a) Definitions (supplemental to the definitions of section 70-1).

- i. "*Abandoned vehicle or vessel*" shall mean any automobile, bus, truck, truck trailer, vessel trailer, moped, scooter, motorcycle, electric vehicle, golf cart, trailer, camper, recreational vehicle, motor home, travel trailer, or any type of watercraft, whether motorized or not and whether habitable or not, that has been determined to be abandoned property, as defined in section 705.101, Florida Statutes, pursuant to the procedures of Chapter 705, Florida Statutes (or a successor statute).
- ii. "*Inoperable vehicle*" shall mean a vehicle incapable of being immediately driven, including, but not limited to, a vehicle that either does not have an engine or does not have wheels or tires.
- iii. "*Junked vehicle or vessel*" shall mean a vehicle or vessel that is substantially dismantled, including, but not limited to, a vehicle or vessel that has incurred substantial damage.

(b) No owner or other person shall leave an abandoned vehicle or vessel on a right-of-way or in a public place in Key West.

(c) The movement of an abandoned vehicle or vessel to another location within 100 feet shall not alter its status as abandoned.

(d) When an enforcement officer observes an abandoned vehicle or vessel on the public right-of-way or in a public place, he or she may cause its

removal consistent with the provisions of Florida Statutes Chapter 705 (or a successor law). An inoperable or junked vehicle or vessel, or a vehicle without a current license tag, constitutes prima facie evidence of abandonment.

(e) A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances. In addition or in the alternative thereto, the city may pursue all other lawful remedies and charges against the owner of an abandoned vehicle or vessel.

(Ord. No. 06-04, § 3, 3-7-2006)

Sec. 70-129. Storage fee.

There is hereby established a storage fee of \$25.00 per day. It shall be imposed upon an owner of a vehicle or vessel stored on a city right-of-way, as described in section 70-116. The storage fee shall also be imposed upon an owner of an abandoned vehicle or vessel, as defined in section 70-128, in addition to any fine or penalty or any towing charge(s) imposed upon such owner.

(Ord. No. 06-04, § 4, 3-7-2006)

Secs. 70-130—70-155. Reserved.

DIVISION 2. METERED PARKING

Sec. 70-156. Areas or zones.

(a) The city manager is authorized to establish metered parking areas within the city and to install and maintain the meters upon any of the public streets or parts of public streets as necessary to aid in the regulation and control of the parking of vehicles in the city.

(b) Where parking meters have been erected, no person shall stop, stand, or park a vehicle in any metered parking area for a period of time longer than that designated by the meter upon the deposit of a coin of United States currency as indicated on the meter, except for special occasions as designated by the city manager.

(c) It shall be unlawful for any person to deposit or attempt to deposit in any parking meter anything other than a lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen.

Revised for
Second Reading
March 7, 2006

ORDINANCE NO. 06-04

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-1 TO PROVIDE A DEFINITION OF STORAGE; BY AMENDING SECTION 70-116 TO EXPAND THE PERIOD OF TIME TO 72 HOURS FOR VEHICLE STORAGE ON A PUBLIC STREET; BY ADDING SECTION 70-128 TO ESTABLISH REGULATIONS FOR ABANDONED VEHICLES AND VESSELS ON THE PUBLIC RIGHT-OF-WAY, INCLUDING PENALTIES; BY ADDING SECTION 70-129 TO ESTABLISH A STORAGE FEE; BY AMENDING SECTION 70-649 TO REDUCE THE AMOUNT OF TIME A WRECKER SHALL HAVE TO REMOVE A VEHICLE; AMENDING SECTION 70-650 AND 70-656 TO PROVIDE ALTERNATE TOW COMPANY ELIGIBILITY REGULATIONS FOR COMPANIES THAT TOW ABANDONED VEHICLES; AMENDING SECTION 70-657 TO PROVIDE FOR THE CITY MANAGER'S DESIGNEE TO CONDUCT HEARINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Key West is experiencing the problem of an excessive number of vehicles abandoned on its streets combined with an insufficient capacity of the local tow companies to remove and store them; and

WHEREAS, the City Commission desires to establish specific regulations, including fines and other charges, for an owner who abandons a vehicle or a vessel on the right-of-way or in a public place; and

WHEREAS, the City Commission finds that abandoned vehicles and vessels on the right-of-way have a blighting effect on the city, become attractive nuisances to children, attract vermin, and are a detriment to neighborhood safety; and

WHEREAS, the abandoned vehicle law in section 705.103(4), Florida Statutes, provides for the City to recover its storage costs; and

WHEREAS, an increased flexibility by the City to address its abandoned and stored vehicles would serve to promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 70-1 of the Code of Ordinances is hereby amended as follows*:

Sec. 70-1. Definitions.

* * * *

Storage (or stored) means the status of an operable vehicle or vessel (including a vessel on a trailer) on a street or

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

other public place when its owner or user does not move it from a parking location within a prescribed time, and when its owner has no intent that it become abandoned property.

* * * *

Section 2: That section 70-116 of the Code of Ordinances is hereby amended as follows:

Sec. 70-116. Prohibited parking.

(a) No person shall park a vehicle upon any city street, ~~or~~ alley or other public place for the purpose of:

* * * *

(5) ~~Storage, or as junkage or dead storage,~~ on the public right-of-way or in a public place for more than 24 72 hours. A stored vehicle shall not mean an abandoned vehicle or vessel, the latter of which may be removed according to law without regard to the length of time it abides on a street or alley. A vessel shall not be stored on the right of way or in a public place for any length of time, and its owner is subject immediately to the storage fee of section 70-129.

* * * *

Section 3: That section 70-128 is hereby added to the Code of Ordinances as follows:

Sec. 70-128. Abandoned vehicles and vessels.

(a) Definitions (supplemental to the definitions of section 70-1).

i. "Abandoned vehicle or vessel" shall mean any automobile, bus, truck, truck trailer, vessel trailer, moped, scooter, motorcycle, electric vehicle, golf cart, trailer, camper, recreational vehicle, motor home, travel trailer, or any type of watercraft, whether motorized or not and whether habitable or not, that has been determined to be abandoned property, as defined in section 705.101, Florida Statutes, pursuant to the procedures of chapter 705, Florida Statutes (or a successor statute).

ii. "Inoperable vehicle" shall mean a vehicle incapable of being immediately driven, including, but not limited to, a vehicle that either does not have an engine or does not have wheels or tires.

iii. "Junked vehicle or vessel" shall mean a vehicle or vessel that is substantially dismantled, including, but not limited to, a vehicle or vessel that has incurred substantial damage.

(b) No owner or other person shall leave an abandoned vehicle or vessel on a right-of-way or in a public place in Key West.

(c) The movement of an abandoned vehicle or vessel to another location within 100 feet shall not alter its status as abandoned.

(d) When an enforcement officer observes an abandoned vehicle or vessel on the public right-of-way or in a public place, he or she may cause its removal consistent with the provisions of Florida Statutes Chapter 705 (or a successor law). An inoperable or junked

vehicle or vessel, or a vehicle without a current license tag, constitutes prima facie evidence of abandonment.

(e) A violation of this section shall be punishable in accordance with section 1-15 of the Code of Ordinances. In addition or in the alternative thereto, the city may pursue all other lawful remedies and charges against the owner of an abandoned vehicle or vessel.

Section 4: That section 70-129 of the Code of Ordinances is hereby added to the Code of Ordinances as follows:

Sec. 70-129. Storage fee.

There is hereby established a storage fee of \$25.00 per day. It shall be imposed upon an owner of a vehicle or vessel stored on a city right-of-way, as described in section 70-116. The storage fee shall also be imposed upon an owner of an abandoned vehicle or vessel, as defined in section 70-128, in addition to any fine or penalty or any towing charge(s) imposed upon such owner.

Section 5: That section 70-649 of the Code of Ordinances is hereby amended as follows:

Sec. 70-649. Rotating call list.

* * * *

(b) A tow company on the rotating call list shall tow every vehicle or vessel on land as directed by the police

department. The tow shall occur ~~within 24 hours of the call,~~
~~except that it shall occur~~ immediately when the police department
indicates a safety hazard. The tow company neither shall
undertake selective towing nor impose its own limits on the
number of vehicles or vessels on land it will tow in a given time
period. If a tow company determines not to tow a vehicle or
vessel on land per the direction of the police department, the
tow company must justify its determination to the satisfaction of
the police chief or his designee, or otherwise be subject to
removal from the rotating call list. If all members of the
rotating call list are unable to respond to a call, the police
department may call for a wrecker not on the rotating call list.

* * * *

(e) In the event that the rotating call list fails to
assure an orderly removal of abandoned vehicles from the city's
rights-of-way or public places, then the city may establish any
lawful program or set of administrative rules necessary to ensure
the removal of abandoned vehicles. ~~The city may establish an~~
~~alternate rotating call list for abandoned vehicles. This~~
~~rotation shall operate independently of the rotating call list~~
~~established in subsection (a) above. All tow services on the~~
~~rotating call list of subsection (a) must also participate on the~~
~~abandoned vehicle rotating call list. The police department shall~~

~~issue administrative rules to ensure the fair operation of the two rotation lists.~~

Section 6: That section 70-650 of the Code of Ordinances is hereby amended as follows:

Sec. 70-650. Application for placement.

Any person desiring to be placed on a call list for the purpose of offering towing service with the police department for the handling, removing and caring for lost, stolen, abandoned, and damaged vehicles impeding the free flow of traffic shall make application for an approval with the police department, and such application shall state the following:

(1) The name, home address and proposed business address of the applicant.

(2) The location, description and number of the tow trucks and towing services owned and operated by the applicant.

(3) The applicant has available space for properly accommodating and protecting all motor vehicles entrusted to the applicant's care; provided, however, that the requirement of this subsection may be adjusted, at the discretion of the chief of police, for an applicant who would propose to remove abandoned vehicles from the rights-of-way or public places of the city.

(4) The applicant shall present proof of possession of a valid state commercial tow truck operator's license for all employees providing services pursuant to this division.

(5) The applicant shall submit proof of a valid city occupational license.

Section 7: That section 70-656 of the Code of Ordinances is hereby amended as follows:

Sec. 70-656. Insurance required.

Each holder of a rotating call list permit shall maintain in effect an insurance policy which shall insure it for its liability at a minimum, as follows:

(1) For each tow truck, combined single limit of \$500,000.00; and

(2) For garagekeeper's liability, not less than \$50,000.00 for each loss covering perils of fire and explosion, theft of a motor vehicle and parts or contents, riot and civil commotion, vandalism, malicious mischief, and for on-hook protection; provided, however, that the requirement of this subsection may be adjusted, at the discretion of the chief of police, for an applicant who would propose to remove abandoned vehicles from the rights-of-way or public places of the city.

Section 8: That section 70-657 of the Code of Ordinances is hereby amended as follows:

Sec. 70-657. Removal from rotating call list.

Any violation of this division may subject a tow company on the rotating call list to suspension or revocation. The city manager or his designee shall conduct a hearing and provide notice and an opportunity to be heard to the subject tow company. The city manager or his designee shall take into consideration: (i) the nature of the violation or alleged violation; (ii) the towing company's record of violations and complaints against it; and (iii) the history of recurrence of violations by the tow company. Only when there is a history of recurrence of the violation or an instance of consumer fraud or an earlier suspension under this division may the city manager or his designee revoke the rotating call list permit and remove the tow company from the list. In all other instances, the city manager or his designee, upon his judgment, may issue a suspension order. A suspension shall not exceed 90 days. The decision of the city manager or his designee may be appealed to the city commission by the filing of an appeal in writing to the city clerk within ten days of the receipt of the decision. An appeal stays execution of the order.

Section 9: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 10: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.


Section 11: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 22nd day of February, 2006.

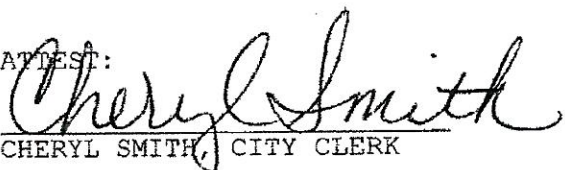
Read and passed on final reading at a regular meeting held this 7th day of March, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 8th day of March, 2006.

Filed with the Clerk March 8, 2006.


MORGAN MOPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK